

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS**

In re: Hilda Nieves, HC

Petition No. 2003-0711-020-013

CONSENT ORDER

WHEREAS, Hilda Nieves of Rocky Hill, Connecticut (hereinafter "respondent"), has been issued license number 029087 to practice as a hairdresser and cosmetician by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 387 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. On June 20, 2003, respondent was working as a hairdresser at Dellaria Salon in Westfarms Mall.
2. At that time, Maria DeLeon, a client of respondent's, had an appointment with respondent for root touch up and highlighting. Ms. DeLeon had applied coloring to her own hair between her last appointment with respondent and the June 20, 2003 appointment. As a consequence, her hair was very dry. Respondent allowed chemicals to stay too long on Ms. DeLeon's hair, which resulted in damage to the hair.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-263(5); and,

WHEREAS, respondent has taken courses in application of color, the most recent of which was a multi-week course that she completed in April 2004; and,

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians (hereinafter "the Board "), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 20-263 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§ 19a-17 and 20-263 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent's license number 029087 to practice as a hairdresser and cosmetician in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of five hundred dollars (\$500.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to her licensure.
5. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
6. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any

subsequent proceeding before the Board in which her compliance with this Consent Order or with §20-263 of the General Statutes of Connecticut, as amended, is at issue.

7. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that she may have under the laws of the State of Connecticut or of the United States.
8. This Consent Order is a revocable offer of settlement that may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
9. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
10. Respondent has the right to consult with an attorney prior to signing this document.
11. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

I, Hilda Nieves, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Hilda Nieves
Hilda Nieves

Subscribed and sworn to before me this 9th day of July 2004.

Cloria S. Dunkley
Notary Public or person authorized by law to administer an oath of office
CLORIA S. DUNKLEY
NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 31, 2005

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 28th day of July 2004, it is hereby accepted.

Marianne Horn
Marianne Horn, Director
Division of Health Systems Regulation
Bureau of Healthcare Systems

The above Consent Order having been presented to the duly appointed agent of the Board of Examiners for Barbers, Hairdressers and Cosmeticians on the 30th day of August 2004, it is hereby ordered and accepted.

Katherine F. Klemm-Pegani
Board of Examiners for Barbers, Hairdressers and Cosmeticians

RAS/Nieves/legal/CO/52704